

George W. Brown

against

Plaintiff(s)

The Brookdale Hospital Medical Center, et al

Defendant(s)

Index No. 08 CV 1093

**AFFIDAVIT OF
SERVICE OF SUMMONS
(AND COMPLAINT)**

STATE OF NEW YORK, COUNTY OF Nassau

is not a party herein, is over 18 years of age and resides at P.O. Box 530 Wantagh, NY 11793

That on 4/24/08 at 9:00 P.M., at 21203 33rd Avenue Bayside, NY, deponent served the within summons, and complaint on New Franklin Rehabilitation & Health Care Facility, LLC - defendant therein named, by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

INDIVIDUAL

1. a New York corporation, by delivering thereat a true copy of each to Dr. William Duke personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be the Medical Director thereof.

CORPORATION

2. ☒

SUITABLE
AGE PERSON

3. ☒

AFFIXING TO
DOOR, ETC.

4. ☒

by delivering thereat a true copy of each to and discretion. Said premises is defendant's--actual place of business--dwelling place--usual place of abode--within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age by affixing a true copy of each to the door of said premises, which is defendant's--actual place of business--dwelling place--usual place of abode--within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO
RESIDENCE
USE WITH 3 OR 4

5A. ☒

MAILING TO
BUSINESS
USE WITH 3 OR 4

5B. ☒

DESCRIPTION
USE WITH
1, 2, or 3

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input checked="" type="checkbox"/> Black Hair	<input checked="" type="checkbox"/> White Hair	<input checked="" type="checkbox"/> 14-20 Yrs.	<input checked="" type="checkbox"/> Under 5'	<input checked="" type="checkbox"/> Under 100 Lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input checked="" type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input checked="" type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input checked="" type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input checked="" type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN
NYC CIVIL CT.

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY
SERVICE

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me this 30th day of April
2008

Michael Spitaleri
License No. 1276605

RICHARD CAVE

NOTARY PUBLIC-STATE OF NEW YORK

No. 01CA6183359

Qualified in Nassau County

My Commission Expires March 10, 2012